SUGGESTED REVISIONS TO SUBPART OOOOA REGULATIONS

It is appropriate to adopt EPA's proposed new method for calculating the maximum average daily throughput of a storage vessel only in those instances where the individual storage vessel is not part of a storage tank battery that routes all emissions through a closed vent system to a process or control device in accordance with EPA's regulatory criteria specified for the VOC PTE exclusion or pursuant to a legally and practically enforceable limit in an operating permit or other requirement established under a federal, state, local or tribal authority. By contrast, the Subpart OOOOa regulations should allow the allocation of the total average daily throughput in equal amounts among the storage vessels in a tank battery in those cases where each of the storage vessels is part of a tank battery that routes all emissions through a closed vent system to a process or control device under either one of these two regulatory scenarios described above.

§60.5365a Am I subject to this subpart?

You are subject to the applicable provisions of this subpart if you are the owner or operator of one or more of the onshore affected facilities listed in paragraphs (a) through (j) of this section for which you commence construction, modification, or reconstruction after September 18, 2015.

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(e) Each storage vessel affected facility, which is a single storage vessel with the potential for VOC emissions equal to or greater than 6 tpy as determined according to this section. The potential for VOC emissions must be calculated using a generally accepted model or calculation methodology, based on the maximum average daily throughput, as defined in §60.5430a, determined for a 30-day period of production prior to the applicable emission determination deadline specified in this subsection. The determination may take into account requirements under a legally and practically enforceable limit in an operating permit or other requirement established under a federal, state, local or tribal authority.

(1) For each new, modified or reconstructed storage vessel you must determine the potential for VOC emissions within 30 days after liquids first enter the storage vessel, except as provided in paragraph (e)(3)(iv) of this section. For each new, modified or reconstructed storage vessel receiving liquids pursuant to the standards for well affected facilities in §60.5375a, including wells subject to §60.5375a(f), you must determine the potential for VOC emissions within 30 days after startup of production of the well.

(2) A storage vessel affected facility that subsequently has its potential for VOC emissions decrease to less than 6 tpy shall remain an affected facility under this subpart.

(3) For storage vessels subject to legally and practically enforceable limits in operating permits or other requirements established under federal, state, local or tribal authority, you may determine the VOC potential to emit of the storage vessels based on those applicable limits or requirements for routing all emissions through a closed vent system to a process or control device, provided that you certify compliance with those limits or requirements.

(4) For storage vessels not subject to a legally and practically enforceable limit in an operating permit or other requirement established under federal, state, local or tribal authority, any vapor from the storage vessel that is recovered and routed to a process through a VRU designed and operated as specified in this section is not required to be included in the determination of VOC potential to emit for purposes of determining affected facility status, provided you comply with the requirements in paragraphs (e)(4)~~(3)~~(i) through (iv) of this section.

(i) You meet the cover requirements specified in §60.5411a(b).

(ii) You meet the closed vent system requirements specified in §60.5411a(c) and (d).

(iii) You must maintain records that document compliance with paragraphs (e)(3)(i) and (ii) of this section.

(iv) In the event of removal of apparatus that recovers and routes vapor to a process, or operation that is inconsistent with the conditions specified in paragraphs (e)(3)(i) and (ii) of this section, you must determine the storage vessel's potential for VOC emissions according to this section within 30 days of such removal or operation.

(5) ~~(4)~~ The following requirements apply immediately upon startup, startup of production, or return to service. A storage vessel affected facility that is reconnected to the original source of liquids is a storage vessel affected facility subject to the same requirements that applied before being removed from service. Any storage vessel that is used to replace any storage vessel affected facility is subject to the same requirements that apply to the storage vessel affected facility being replaced.

(6) ~~(5)~~ A storage vessel with a capacity greater than 100,000 gallons used to recycle water that has been passed through two stage separation is not a storage vessel affected facility.

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§60.5430a What definitions apply to this subpart?

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act, in subpart A or subpart VVa of part 60; and the following terms shall have the specific meanings given them.

* * *

Maximum average daily throughput means the throughput, determined as described in (1) or (2), to an individual storage vessel over the days that production is routed to that storage vessel during the 30-day evaluation period specified in § 60.5365a(e)(1).

(1) If the individual storage vessel is not part of a storage tank battery that routes all emissions through a closed vent system to a process or control device under §60.5365a(e)(3) or (4), the maximum average daily input shall be determined in accordance with the requirements specified in paragraphs (i) or (ii) below.

(i) If throughput to the individual storage vessel is measured on a daily basis (*e.g.*, via level gauge automation or daily manual gauging), the maximum average daily throughput is the average of all daily throughputs for days on which throughput was routed to that storage vessel during the 30-day evaluation period. ~~; or~~

(ii) ~~(2)~~ If throughput to the individual storage vessel is not measured on a daily basis (*e.g.*, via manual gauging at the start and end of loadouts), the maximum average daily throughput is the highest, of the average daily throughputs, determined for any production period to that storage vessel during the 30-day evaluation period, as determined by averaging total throughput to that storage vessel over each production period. A production period begins when production begins to be routed to a storage vessel and ends either when

throughput is routed away from that storage vessel or when a loadout occurs from that storage vessel, whichever happens first.

(2) If the individual storage vessel is part of a storage tank battery that routes all emissions through a closed vent system to a process or control device under §60.5365a(e)(3) or (4), the maximum average daily throughput is the total throughput to the storage tank battery over the days that production is routed to that storage battery during the 30-day evaluation period specified in §60.5365a(e)(1), divided by the number of storage vessels in the storage tank battery receiving production liquids during that same time period..

Regardless of the determination methodology, operators must not include days during which throughput is not routed to an individual storage vessel when calculating maximum average daily throughput for that storage vessel.